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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
10/055,820	01/23/2002	Michael A. Richmond	M-110	9525
75	590 12/01/2003		EXAM	INER
Jeffrey R. Rar			TURNER, A	RCHENE A
M Cubed Technologies, Inc. One Tralee Industrial Park			ART UNIT	PAPER NUMBER
Newark, DE 19711			1775	
		DATE MAILED: 12/01/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    Topic			Application No.	Applicant(s)			
Archene Turner  T775  Archene Turner  Archene Turner  T775  Archene Turner  Archene Turner  T775  Archene Turner  T775  Archene Turner  Archene Turner  T775  Archene Turner  T775  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Examinous of many by a solidate under the previous of 3 CPR 1.136(a). In no event, however, may a reply bet limely flidd  The period for reply appelled above is less than filtry (30) days, a reply within the statistory minimum of thiny (30) days will be considered timely.  If the period for reply appelled above is less than filtry (30) days, a reply within the statistory minimum of thiny (30) days will be considered timely.  If the period for reply appelled above is less than filtry (30) days, a reply within the statistory minimum of thiny (30) days will be considered timely.  If the period for reply appelled above is less than filtry (30) days, a reply within the statistory minimum of thiny (30) days will be considered timely.  If the period for reply appelled the such than three mentils after the railing date of this communication, even if thindly flidd, may reduce any canned period the such application.  An expression of the communication (s) filed on 01 January 2002.  An expression is filtred.  Disposition of Claims  Application Septication is in condition for allowence except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  Application Septication is objected to by the Examiner.  Claim(s)is/are epicied.  Claim(s)is/are objected to septication requirement.  Application Papers  9	Office Action Summary		10/055,820	RICHMOND ET AL.			
Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Educations of time may be available used the provision of 3 CFR 1.13(s). In no event, however, may a reply be timely filled steef SK (6) MONTHS from the mailing date of this communication.  Educations of time may be available used the provision of 3 CFR 1.13(s). In no event, however, may a reply be timely filled steef SK (6) MONTHS from the mailing date of this communication.  Fabrulos to reply within the set of obtained period of the communication.  Fabrulos to reply within the set of obtained period for reply will, by attailed, cause the application to become ABANOCKED (39 U.S. C, 133).  Responsive to communication(s) filled on \$\frac{1}{2}\ldotsum_{\text{aut}}\text{q}\$, cause the splication to become ABANOCKED (39 U.S. C, 133).  Status  1) \( \text{Responsive}\text{ This action is FinAL.} \)  2b) \( \text{This action is finAL.} \)  2b) \( This action is			Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION.  - Ederacion of three may be available under the provisions of 37 CFR 1.38(a). In no event, however, may a reply be timely filled  - Ederacion of three may be available under the provisions of 37 CFR 1.38(a). In no event, however, may a reply be timely filled  - Ederacion of three may be available under the provisions of 37 CFR 1.38(a). In no event, however, may a reply be timely filled  - Ederacion of three may be available under the provisions of 37 CFR 1.38(a). In or event, however, may a reply be timely filled  - Ederacion of three may be available under the provisions of 37 CFR 1.38(a). In or event, however, may a reply be timely filled  - If NO period for reply is specified above, he maximum statutory pointed vial apply and vial expire 37 (b) days will be considered timely.  - If NO period for reply is specified above, he maximum statutory pointed vial apply and vial expire 37 (b) 40 (c) 1.38 (c) 1.39 (c) 1.30 (c)							
THE MAILING DATE OF THIS COMMUNICATION.  Edeminator of time myby as validable under the provision of 3°C PR 1.13(6). In no event, however, may a reply be timely filled offer SIX (6) MONTHS from the mailing date of this communication.  I this periodic reply specified shows the last that they (70) days, a reply within the datalory micharum of thinty (30) days will be considered timely.  I this periodic reply specified shows the last that they are shown that they a	The MAILING DATE of this communication appears on the cover she t with the correspondenc address Period for Reply						
2a)  This action is FINAL. 2b) This action is non-final.  3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)	THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4)  Claim(s)	1)⊠	Responsive to communication(s) filed on <u>01 Ja</u>	nuary 2002.				
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4) Claim(s) 1-34 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are rejected to. 8) Claim(s) is/are rejected to. 8) Claim(s) is/are rejected to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. §§ 119 and 120  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received. 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  Attachment(s)  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.	3)						
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)			<u> </u>				
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Application/Control Number: 10/055,820

Art Unit: 1775

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-29,33-34, drawn to a method, classified in class 156, subclass 89.28.
  - II. Claims 30-32, drawn to a product, classified in class 428, subclass 446.
- 2. Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product can be made by a different a method such as premixing the components then firing.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their divergent subject matter, different classification and search, a restriction for examination purposes as indicated is proper.
- 4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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5. Any inquiry regarding this communication or earlier communications from the

Examiner should be directed to Archene Turner, whose telephone number is (703) 308-

4344. The Examiner can normally be reached Monday to Thursday from 8:30 AM to

6:00 PM.

A facsimile center has been established for Group 1700, in Crystal Mall I. The

hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier

number for accessing the facsimile machine is (703) 872-9306 for all official faxes. This

location should be used in all instances when faxing any correspondence to Art Unit

1775.

Any inquiry of a general nature or relating to the status of this application should

be directed to the Group receptionist whose telephone number is (703) 308-0661.

Å. A. Turner

Primary Examiner

**Group 1700** 

aat